

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSEPH SUNDAY, JR. d/b/a SUNDAY
TRUCKING, LLC,

Plaintiff,

v.

BERKSHIRE HATHAWAY HOMESTATE
INSURANCE COMPANY and NATIONAL
LIABILITY & FIRE INSURANCE
COMPANY,

Defendants.

CIVIL ACTION NO. 3:17-CV-00946

(JUDGE CAPUTO)

ORDER

NOW, this 30th day of July, 2018, upon review on Defendants' Motion for Summary Judgment (*Doc. 13*), **IT IS HEREBY ORDERED** that:

- (1) Defendants' Motion for Summary Judgment is **GRANTED** in part and **DENIED** in part:
 - (a) Judgment is **ENTERED** in **FAVOR** of Defendant National Liability & Fire Insurance Company and **AGAINST** Plaintiff Joseph Sunday, Jr. on Count I of the Complaint.
 - (b) Defendants' Motion for Summary Judgment is **DENIED** with respect to Count III of the Complaint.
- (2) This matter is placed on the October 2018 Trial List.

/s/ A. Richard Caputo

A. Richard Caputo
United States District Judge